

DAC\$

COPY OF PAPERS
ORIGINALLY FILED



PATENT

Attorney Docket No. 00537/165002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

: EXAMINER: GUTTMAN, H.

SHALABY W. SHALABY

: ART UNIT: 1651

APPLICATION NO.: 09/600,648

FILED: October 17, 2000

FOR: ABSORBABLE MICROPARTICLES

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Date of Deposit: May 9, 2002

Karen Lunde
Karen Lunde

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL LETTER AND AUTHORIZATION TO PAY FEE

Transmitted herewith is; a Petition for Revival of an Application For Patent Abandoned Unintentionally Under 37 C.F.R. §1.137(b) (2 copies); a Reply under 37 C.F.R. §1.111 and an Acknowledgment postcard.

Applicant believes that no fees are due beyond those provided for on the enclosed Petition for Revival of an Application For Patent Abandoned Unintentionally. However, the Commissioner is hereby authorized to charge any other fees that may be deemed to be due or to credit any overpayments to Deposit Account 50-0590. A duplicate copy of this letter is transmitted herewith.

Respectfully submitted,

Date: 09-May-02

Brian R. Morrill

Brian R. Morrill
Attorney for Applicant(s)
Reg. No. 42,908

Biomeasure, Inc.
27 Maple Street
Milford, MA 01757-3650
Telephone: (508) 478-0144
Facsimile: (508) 473-3531

RECEIVED

MAY 30 2002

OFFICE OF PETITIONS



COPY OF PAPERS
ORIGINALLY FILED

PATENT
Attorney Docket No. 00537/165002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
SHALABY W. SHALABY

APPLICATION NO.: 09/600,648

FILED: OCTOBER 17, 2000

FOR: ABSORBABLE MICROPARTICLES

EXAMINER: GUTTMAN, H.
ART UNIT: 1651

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail under 37 C.F.R. §1.8 in an envelope addressed to: The Assistant Commissioner of Patents, Washington, D.C. 20231.

Date of Deposit May 9, 2002
Karen Chudler
Karen Louder

Hon. Assistant Commissioner of Patents
Washington, D.C. 20231
Box DAC

Sir:

Reply under 37 C.F.R. 1.111

This is in reply to the Office Action mailed November 7, 2001, ("Instant Office Action"). The above-captioned application ("Instant Application") having become abandoned by failure to file a timely reply, Applicant submits herewith a Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b).

In the Instant Office Action claims 1-46 are listed as pending and claims 1-46 are listed as subject to restriction requirement.

Applicant provisionally elects the invention of Group I, claims 1-22, 24 and 26-41, drawn to a bound microparticle and encased microparticles having an absorbable polymer and a peptide.

Applicant notes that no election of a specie requirement has been issued in the Instant Office Action.

The present election is made with traverse.

RECEIVED

MAY 30 2002

OFFICE OF PETITIONS

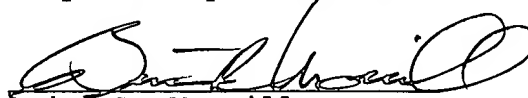
Applicant notes that the present application is a national phase application of International Patent Application No. PCT/US99/01180 (WO 99/38636), and that unity of invention was deemed to be satisfied by the International Searching Authority. (For the Examiner's possible convenience Applicant has attached hereto a copy of the relevant page of the International Search Report.) The Examiner has not indicated what errors the International Searching Authority implicitly is alleged to have made in arriving at its determination, nor is Applicant able to find such errors. Rather the Examiner appears to have based the Restriction groupings on the most obvious differences in scope among the claims. Applicant respectfully submits that the International Searching Authority well considered the art relied upon by the Examiner, WO 92/11844, in considering the teaching of the prior art and found the present claims to satisfy unity requirements.

Further, the Examiner has not demonstrated how retention of all of the present claims together in the Instant Application would result in a burdensome search or examination.

Thus, Applicant respectfully submits that examination of all of the present claims in the Instant Application is appropriate. Withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

Date: 09-May-02



Brian R. Morrill
Attorney for Applicant
Reg. No. 42,908

Biomeasure Inc.
27 Maple Street
Milford, MA 01757-3650
(508) 478-0144



INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 00537/165W01	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 99/01180	International filing date (day/month/year) 20/01/1999	(Earliest) Priority Date (day/month/year) 29/01/1998
Applicant POLY-MED INC. et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.